

Message Text

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R 281308Z JUN 78
FM SECSTATE WASHDC
TO USMISSION USUN NEW YORK
AMEMBASSY BRAZZAVILLE

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E.O. 11652:N/A

TAGS: PDIP, CF

SUBJECT:GRAY VS. CONGO MISSION

REF: USUN 2207 AND PREVIOUS

. DEPT. CONTINUES TO BE CONCERNED THAT NO RESOLUTION OF THIS SITUATION HAS BEEN REACHED. AS WE UNDERSTAND IT, COURT OF APPEALS DECISION AFFIRMING DISTRICT COURT'S JUDGMENT EFFECTIVELY LEAVES CONGO IN LAWFUL POSSESSION OF PROPERTY BUT WITHOUT HAVING PAID THE AMOUNT DUE GRAY UNDER THE MORTGAGE. UNLESS A NEGOTIATED SETTLEMENT CAN BE OBTAINED, GRAY MAY HAVE NO ALTERNATIVE TO FURTHER COSTLY LITIGATION WHICH, EVEN IF SUCCESSFUL ON THE MERITS, MIGHT NOT BE CAPABLE OF EFFECTIVE ENFORCEMENT.

2. SINCE THERE IS NOW NO PENDING LITIGATION, IT WOULD SEEM
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TO BE APPROPRIATE TIME TO HAVE ANOTHER MEETING WIT; AMB. MONDJO TO IMPRESS UPON HIM OUR SERIOUS CONCERN AND THE NECESSITY OF A PROMPT RESOLUTION OF THE MATTER. MONDJO SHOULD BE REMINDED OF HIS MARCH 1 CONVERSATION WITH AMB. MCHENRY, IN WHICH MONDJO STATED THAT HE HAD SET ASIDE

A SUM OF MONEY FOR PAYMENT OF THE DEBT BUT THAT NO PAY-

MENT WOULD BE MADE AS LONG AS THE THREAT OF LEGAL ACTION
REMAINED.

3. IT SHOULD BE MADE CLEAR TO MONDJO THAT WE HOPE TO SEE
A RESOLUTION OF THE PROBLEM AS SOON AS POSSIBLE AND ARE
WILLING AGAIN TO OFFER OUR GOOD OFFICES TO THAT END.
IT SHOULD ALSO BE MADE CLEAR THAT WE WOULD VIEW A CONTIN-
UED IMPASSE WITH GRAVE CONCERN AND THAT FAILURE TO TAKE
PROMPT ACTION TOWARD A RESOLUTION OF THE SITUATION WOULD
INEVITABLY LEAD TO FURTHER COMPLICATIONS (FYI: GRAY
HAS INDICATED POSSIBILITY OF REFILEING FORECLOSURE ACTION
IN ACCORDANCE WITH THE FOREIGN SOVEREIGN IMMUNITIES ACT.
WE UNDERSTAND THAT HE CONTINUES TO PAY TAXES ON THE
PROPERTY AS WELL AS INTEREST ON THE MONEY HE WAS FORCED
TO BORROW TO SATISFY HIS OBLIGATIONS UNDER THE MORTGAGE.
WHOLLY APART FROM THAT, DEPT. DOES NOT BELIEVE WE CAN
ALLOW SITUATION GO UNRESOLVED MUCH LONGER. IF IT CAN-
NOT BE TAKEN CARE OF BY THE PARTIES, WE MAY BE COMPELLED
TO RAISE IT IN THE HOST COUNTRY RELATIONS COMMITTEE.
END FYI.)

4. FOR BRAZZAVILLE: IF YOU BELIEVE IT WOULD BE USEFUL,
YOU SHOULD APPROACH FOREIGN MINISTRY AT APPROPRIATE LEVEL
TO EMPHASIZE OUR CONCERN THAT THIS ISSUE BE RESOLVED
PROMPTLY.

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5. PLEASE ADVISE DEPT. OF RESULTS OF YOUR APPROACHES.
VANCE

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NNN

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